THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 26090 OF 1998

Dated 5th March, 2007

Between:

B.Redia

…Petitioner

And

The Collector, Panchayat Wing,
Nalgonda District and others.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner seeks a declaration that the action of the respondents in seeking to lay a road across the petitioner's agricultural land in Survey Nos. 754/E, 755/E, 759/E and 760/U situated at Sirikonda village of Mothey Mandal, Nalgonda District is illegal and arbitrary.

In the affidavit filed in support of the writ petition, it is stated that the petitioner is the owner and possessor of land to an extent of Ac.8.75 in Survey Nos. 754/E, 755/E, 759/E and 760/U, situated at Sirikonda village of Mothey Mandal, Nalgonda District. It is his grievance that though the respondents were taking steps to lay a road across the land of the petitioner, but, no steps have been taken to acquire the said land and the action of the respondents is illegal.

Though the writ petition is of the year 1998, no counter affidavit is filed and there is also no representation on behalf of the respondents.

At the stage of admission, this court granted interim orders directing the respondents not to lay the road from the land in question without following due process of law.

Inasmuch as the petitioner has filed copy of the pahani patrik for the year 1997-98 in proof of his claim that he is the owner and possessor of the land to an extent of Ac.8.75 in Survey Nos.754/E, 755/E, 759/E and 760/U situated at Sirikonda village, Mothey Mandal of Nalgonda District, if any portion of the said land is required either for laying a road or for any other public purpose, unless the same is acquired in accordance with law, the petitioner cannot be dispossessed of his land. This court had already granted

interim orders not to lay the road through the petitioner's land without due process of law, and, in the absence of any counter to the writ petition and representation on behalf of the respondents, I dispose of the writ petition with a direction to the respondents not to deprive the petitioner of his land for the purpose of laying the road, save by authority of law.

Subject to above direction, the writ petition is disposed of. No costs.

_____

5-3-2007

R.SUBHASH REDDY, J.

VR